



# STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

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May 14, 1985

US EPA RECORDS CENTER REGION 5



514228

ADDRESS REPLY TO:

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Edward J. Schwartzbauer  
Dorsey & Whitney  
2200 First Bank Place East  
Minneapolis, Minnesota 55402

Re: U.S.A. et al. v. Reilly Tar & Chemical Corp.

Dear Ed:

I am writing this letter on behalf of the United States, the State and the City in response to your April 30, 1985, letter to Messrs. Hird, Shakman and Popham in which you propose a procedure for resolving disputes as to the parties' respective answers to each others' Requests for Admissions. Your letter indicates that your purpose in proposing the procedure is to avoid "engulfing" the Special Master "in a series of minor disputes as to word choices rather than more substantive issues." While we are in total agreement with this goal, the procedure you outline is not acceptable to us.

In our view, the procedure you suggest in your letter is both an inappropriate and inefficient means of resolving discovery disputes. In essence, your proposal is that the parties negotiate their answers to each other's requests for admission. (You suggest that all parties identify the responses in which they desire "minor" word changes and then meet to "work through the responses and agree on the specific language.") We do not believe that such a negotiation procedure is an appropriate approach to discovery; nor do we believe it is judicially efficient. Further, to the extent we raise discovery disputes, we do not believe them to be minor.

We attempted to carefully answer the requests for admission which Reilly served on plaintiffs and we stand by our earlier responses. We think your negotiations proposal would result in all persons involved, including (ultimately) the Special Master, spending more time preparing and reviewing documents and meeting to resolve discovery disputes than would otherwise be spent if the standard procedures established under the Rules of Civil Procedure were followed. For these reasons, we do not agree with the suggestion stated in your April 30, 1985, letter. Of course, we intend to comply with the May 17, 1985, deadline established in the Case Management Order for serving motions to compel.

Very truly yours,

LISA R. TIEGEL  
Special Assistant  
Attorney General

LRT:Lt  
cc: All Counsel of Record  
Lee Keller

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